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	RK AVENUE, N.W.	BAUER, CASSEY D			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/552,986	BREKKE, TOR		
Examiner	Art Unit		

The MALLWS DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FLED 17 Newment 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid beandoment of this application application application for allowance. (If with the corresponding to the prior to or on the same day as filing a Notice of Appeal. To avoid beandoment of this application application for allowance. (If with the prior to or on the same day as filing a Notice of Appeal (with appeal feet) in compliance with 37 CFR 4.131 (or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: The period for reply express or (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the stubstory period for reply sopre later than SM MONTHS from the mailing date of this final rejection. The period for reply express or (1) the mail SM MONTHS from the mailing date of this final rejection. The period for reply express or (3) the substance of the final rejection, whichever is later. In no event, however, will the substance prior depth of the sense of the final rejection, which were the sense final is the substance of the substance of the substance of the final rejection and the corresponding amount of the final rejection, even if timely indict, many reduce any assembly asset of the individual of the final rejection and the corresponding amount of the final rejection, even if timely filed, many reduce any assembly asset final rejection and final rejection and final rejection, even if timely filed, many reduce any assembly asset final rejection and final rejection and final rejection, even if the final rejectio		Cassey Bauer	3784					
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application, applicant must timely file one of the following replies: (1) an amendment, afficiavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods: a) The period for reply expires on. (1) the mailing date of this Advisory Acition, or (2) the date set forth in the final rejection. The period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: (If bot is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHAT INTEL FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed its determinance of the filed of the filed filed of the filed filed of the filed of the filed within the time period set forth in 37 CFR 41.37(a), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a), and appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MINIOR FILED OF THE	THE REPLY FILED <u>17 November 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
a) The period for reply expires 2 months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the final rejection, whichever is later. In no event, however, will the statulary period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Exemen Note: If box is checked, check cither box (s) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MEEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purpose of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any amend patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavit eal (with appeal fee) in compliance	t, or other evidence, www. with 37 CFR 41.31; or	hich places the (3) a Request				
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the date of purposes of determining the period of or(f). Extensions of time may be obtained under 37 CPR 1.136(a). The date on which the petition under 37 CPR 1.136(a) and the appropriate extension fee have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CPR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Am preply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Am preply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in 0.00 period for reply originally set in the final Office action, or (2) as set forth in 0.00 period of the final rejection, or (2) as a contact of Appeal and the papeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37 (a)). The volume of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS In the proposed amendment(s) filed after a final rejection, but prior to the date of filing the original variable of the proposed amendment (see NOTE below); (b) They raise new issues that would require further consideration and/or search (see NOTE below); (c) They raise the issue of new advisers the proposed amendment (see NOTE below); (d) They present additional claims without cancelling a corresponding number of finally rejected claims. NOTE	<u></u>	of the final rejection.						
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Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments with respect to claims 18-25, 28-30 and 25, beginning on page 8 of the response that there would not have been an expectation for success that the system of Clark would circulate an ice slurry has been considered but is not persuasive. Applicant argues that the system of Clark would not circulate and ice slurry because the diffuser wall would act as a filter to filter ice particles. The examiner maintains that although larger pieces of ice may be filtered by the difuser wall, smaller pieces of ice would be able to fit through the diffuser holes and circulate about the tank to meet the claimed limitations.

Applicant's arguments beginning on page 9 of the response that there is insufficient reasoning to circulate an ice slurry in an overflow back into the treatment tank has been considered but is not persuasive. The Applicant claims that the ice outlet of Goldstein contains only ice and not an ice slurry. However, the rejection of claim 18 is based on the modification of Clark by Miller and Goldstein. Goldstein is not being modified by Clark. When Clark is modified by Miller to include an ice slurry circulating through the tank, an ice slurry will indeed be present in the overflow (136) of Clark to meet the claimed limitations. Further, the examiner provided reasoning based not only on the disclosure of Goldstein but also on what one skilled in the art would consider common knowledge (i.e. utilizing residual cooling effect and eliminating the need for disposing of the ice slurry solution). Therefore the examiner believes that the teaching of Goldstein and common knowledge provides the necessary motivation for arriving at the claimed invention.

Applicant's arguments beginning on page 10 of the response that the system of Clark as modified by Goldstein would destroy the ability of Clark to perform it's intended function has been considered but is not persuasive. Applicant claims that in order to modify Clark by Goldstein, it would be necessary to include ice bed 17, 17A, or 17' and therefore the apparatus of Clark could no longer function to heat the contents. However, the examiner disagrees. To modify Clark by Goldstein to meet the claims would require nothing more than the pump (44') and the inlet pipe (48') to pump any slurry present in the overflow (136) of clark back into the treatment tank. Adding the pump and inlet pipe of Goldstein to the overflow pipe of Clark, in no way prevents the apparatus of Clark from functioning as a heater.

In response to Applicant's arguments beginning on page 11 of the response that modifying Clark by Goldstein would unnecessarily complicate the system has been considered but is not persuasive. Applicant should note that it has been held that simplicitly of the prior art is rarely a characteristic that weighs against obviousness of a more complicated device with added function, see MPEP 2143.01 V. Since complicating the structure of Clark adds the function of recirculating ice slurry present in the overflow back into the tank, one skilled in the art would understand that the combination would be advantagous over the more simple structure of Clark which does not have the capability of recycling the overflow and the combination is therefore obvious.

Therefore, the rejection of claims 18-25, 28-30 and 35 are proper and remains.

Applicant's arguments beginning on page 12 of the response with respect to claims 31-34 and 36 have been considered but are not persusive. Applicant's arguments for claims 31-34 and 36 are substantially the same arguments with respect to claims 18-25, 28-30 and 35 and have been addressed above.

Therefore the rejection of claims 31-34 and 36 are proper and remain.